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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,571	01/24/2002	Michael Maguire	P 0290479 DKT. 12NP	3445
909	7590	05/18/2006	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			RUDDOCK, ULA CORINNA	
P.O. BOX 10500				
MCLEAN, VA 22102			ART UNIT	PAPER NUMBER

1771

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/053,571	Applicant(s) MAGUIRE, MICHAEL	
	Examiner Ula C. Ruddock	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25 and 29-38 is/are pending in the application.
- 4a) Of the above claim(s) 30, 35 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25, 29, 31-34, 36 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### **DETAILED ACTION**

1. In view of the request for a Pre-Appeal Brief Review, filed December 8, 2005,  
PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

#### ***Election/Restriction***

2. Claims 30, 35, and 38 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: in the office action mailed July 8, 2003, an election of species was sent out. There were two species: Specie I, drawn to a metal woven mesh, and Specie 2, drawn to a synthetic woven mesh. Therefore, because Applicant elected Specie I, the newly added claims that are drawn to synthetic filaments are considered independent or distinct from the invention originally claimed.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 30, 35, and 38 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***It should be noted that these claims have not yet been withdrawn from the present invention.***

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 1771

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 25, 29, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Haver et al. (US 4,691,744). Haver et al. disclose a filter wire cloth comprising warp and weft wires forming a plurality of alternating patterns comprising at least one intermediate weft wire inserted in the weave and at least one intermediate warp wire inserted in the weave (col 1, ln 49-66). The wires are preferably metal (col 1, ln 11-12). It should be noted that the Examiner is equating the warp wires to the first plurality of filaments in a first direction. Also, the Examiner is equating the weft wires to the second plurality of filaments in a second direction. Finally, the Examiner is equating the intermediate weft wire of Haver to the first reinforcing filaments in the second direction of the present invention and the intermediate warp wire of Haver to the second reinforcing filaments in the first direction of the present invention.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haver et al. (US 4,691,744) in view of Caals (US 1,788,657). Haver et al. disclose the claimed invention except for the teaching that the first and second reinforcing filaments are metal wires of a heavier gauge than the metal wires of the first and second plurality of filaments.

Caals (US 1,788,657) disclose a filter cloth comprising having warp and weft threads woven into the material at the points to be reinforced (col 1, ln 24-46). As seen in Figure 1, warp and weft threads a and b are heavier threads than the warp and weft threads a' and b' (col 1, ln 32-37). The heavier warp and weft threads give zones of different strength. The strengthening bands are woven into the cloth by either warping and weaving stronger yarns at the desired places (col 1, ln 48-50 to col 2, ln 1). It would have been obvious to have used Caals' disclosure of inserted heavier warp and weft threads in the filter cloth of Haver et al., motivated by the desire to create a filter cloth that has different zones of strength.

6. Claims 33, 34, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haver et al. (US 4,691,744) in view of Pall et al. (US 3,327,866). Haver et al. disclose the claimed invention except for the teaching that the first and second reinforcing filaments are brazed or welded to the first and second plurality of filaments.

Pall et al. disclose a woven wire mesh that is useful as a filter element and is formed of interwoven metallic filaments (col 1, ln 8-11). The mesh can be juxtaposed with the layers oriented similarly or at an angle to each other. The layers can be bonded by welding or brazing (col 5, ln 55-60 to col 6, ln 1-6). It would have been obvious to have used Pall's method of bonding via brazing or welding on the first and second plurality of filaments and first and second reinforcing filaments, motivated by the desire to create a filter that has increased laminations strength.

### ***Response to Arguments***


7. Applicant's arguments with respect to claims 25, 29, 31-34, 36, and 37 are have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ula C. Ruddock whose telephone number is 571-272-1481. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H. Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

UCR 

  
**Ula C. Ruddock**  
Primary Examiner  
Tech Center 1700